HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.183 of 2007

Between:

Smt. Gutam Lakshmikanthamma

… Appellant

And

The State of Andhra Pradesh rep., by its
Principal Secretary, Municipal Administration,
Secretariat, Hyderabad and four others

… Respondents

::JUDGMENT::

Counsel for the appellant : Shri A. Rajasekhar Reddy

Counsel for the respondents : Government Pleader
for Municipal Adminstration

March 30, 2007

Per G.S. Singhvi, C.J.

This appeal is directed against order dated 7-12-2006 passed by the learned Single Judge in Writ Petition No. 15000 of 2006, whereby he declined to entertain the appellant's prayer for issue of a mandamus to the respondents to acquire his land measuring Ac.1-50 cents situated in Survey No.1963/1, Nellore Bit-I.

Although the paper book of the appeal is reasonably bulky, we do not consider it necessary to record a detailed order by noticing the factual matrix of the case, because in the counter-affidavit filed on behalf of Nellore Municipal Corporation, it has been unequivocally

averred that a decision has been taken to acquire the land in question and effective steps have been taken in that direction by issuing notification under Section 4 (1) read with Section 17 (4) and declaration under Section 6 of the Land Acquisition Act, 1894. Not only this, Shri K.G. Krishna Murthy, learned Government Pleader for Municipal Administration gave out that the acquisition proceedings will be finalized within a period of three months.

In view of the averments contained in the counter-affidavit filed by Shri D. Karuna Chandra Babu, Commissioner, Nellore Municipal Corporation and the statement made by the learned Government Pleader for Municipal Administration, we are convinced that the appeal is liable to be disposed of as infructuous. Ordered accordingly.

While disposing of the appeal in the manner indicated above, we give liberty to the appellant to file miscellaneous petition for issue of further direction, if any such contingency arises.

G.S. SINGHVI, CJ

March 30, 2007

C.V. NAGARJUNA REDDY, J

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